

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JORDON D. KNIPPLING,

Plaintiff,

NO. CV-05-5089-CI

vs.

SGT LESTER LITERAL, C/O MARK
OWENS, and C/O RONALD V.
SKILES,

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
FIRST AMENDED COMPLAINT

Defendants.

Magistrate Judge Imbrogno filed a Report and Recommendation on October 31, 2005, recommending Mr. Knippling's First Amended Complaint be dismissed with prejudice under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1). There being no objections, the court **ADOPTS** the Report and Recommendation. The First Amended Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted.

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious

ORDER ADOPTING REPORT AND RECOMMENDATION
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1 physical injury." 28 U.S.C. § 1915(g). Plaintiff is advised to read
2 the new statutory provisions under 28 U.S.C. § 1915. This dismissal
3 of Plaintiff's complaint may count as one of the three dismissals
4 allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to
5 file future claims.

6 **IT IS SO ORDERED.** The District Court Executive is directed to
7 enter this Order, forward a copy to Plaintiff at his last known
8 address, enter judgment, and close the file. The District Court
9 Executive is further directed to forward a copy of this Order to the
10 Office of the Attorney General of Washington, Criminal Justice
11 Division.

12 **DATED** this 28th day of November 2005.

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14 s/ Fred Van Sickle
15 FRED VAN SICKLE
16 UNITED STATES DISTRICT JUDGE
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